

ESTATE OF EDITH ELI WATLAMAT : Order Docketing and Dismissing
: Appeal
:
: Docket No. IBIA 93-34
:
: January 5, 1993

On December 28, 1992, the Board of Indian Appeals received a notice of appeal from Phyllis Senator, Eugene Senator, and Leroy Senator, through counsel, R. Wayne Bjur, Esq., Zillah, Washington. Appellants stated that they sought to appeal an October 22, 1992, order denying rehearing in this estate. IP SA 485N 90. The Board contacted the office of Administrative Law Judge William E. Hammett and learned that Judge Hammett issued the order in question. The Board has now received a copy of the order.

The Board docketed this appeal under the above case name and number but finds that it must be dismissed.

Judge Hammett's order was issued on October 22, 1992. It informed the parties that any appeal therefrom was required to be filed within 60 days of the date of the order. Appellants' notice of appeal was postmarked December 22, 1992, more than 60 days from the date of Judge Hammett's order. Under 43 CFR 4.320(a), the Board must dismiss an appeal that is not timely filed. See, e.g., Estate of Ernest McBride, 20 IBIA 267 (1991).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed as untimely.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge